

AMENDED IN ASSEMBLY AUGUST 24, 2002

AMENDED IN ASSEMBLY AUGUST 5, 2002

AMENDED IN ASSEMBLY JULY 3, 2002

AMENDED IN SENATE APRIL 16, 2002

SENATE BILL

No. 1801

Introduced by Senator O'Connell

February 22, 2002

~~An act to add Section 20890.2 to the Government Code, relating to public employees' retirement.~~ *An act to amend Section 19775.18 of, and to add Sections 20890.2 and 21362.3 to, the Government Code, relating to public employees' compensation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1801, as amended, O'Connell. ~~Public employees' retirement; patrol members compensation.~~

(1) *Existing law provides that a state employee who is a member of the California National Guard or a United States military reserve organization shall receive specified compensation benefits for a period not to exceed 365 days if he or she is ordered to serve on active duty on and after September 11, 2001, as a result of the War on Terrorism.*

This bill would authorize the Governor to extend this benefit by Executive order by up to 365 days.

(2) Existing law establishes the patrol member classification in the Public Employees' Retirement System for specified members of the Department of the California Highway Patrol and establishes the state miscellaneous member classification in the system for members employed by the state who are not subject to any other membership

classification. Under existing law, retirement benefits of a member of the system are based, in part, on the member's years of service credit, as defined, *but may not exceed 90% of final compensation, as specified.*

Under this bill, past state miscellaneous service performed by a current patrol member while he or she was a student at the Department of the California Highway Patrol's training school would be converted to patrol member service, as specified. The bill would require the department to notify the Board of Administration of the Public Employees' Retirement System of any department employee eligible for that conversion.

The bill would also increase the service pension benefit for the California Highway Patrol Commissioner with respect to specified service to no more than 100% of final compensation.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 19775.18 of the Government Code is*
2 *amended to read:*

3 19775.18. (a) In addition to the benefits provided pursuant to
4 Sections 19775 and 19775.1, a state employee who, as a member
5 of the California National Guard or a United States military
6 reserve organization, is ordered to active duty on and after
7 September 11, 2001, as a result of the War on Terrorism, shall have
8 the benefits provided for in subdivision (b).

9 (b) Any state employee to which subdivision (a) applies, while
10 on active duty, shall receive from the state, for the duration of the
11 event known as the War on Terrorism, as authorized pursuant to
12 Sections 12302 and 12304 of Title 10 of the United States Code,
13 but not to exceed 365 calendar days, as part of his or her
14 compensation both of the following:

15 (1) The difference between the amount of his or her military
16 pay and allowances and the amount the employee would have
17 received as a state employee, including any merit raises that would
18 otherwise have been granted during the time the individual was on
19 active duty. The amount an employee, as defined in Section 18526,
20 would have received as a state employee, including any merit
21 raises that would otherwise have been granted during the time the

1 individual was on active duty, shall be determined by the
2 Department of Personnel Administration.

3 (2) All benefits that he or she would have received had he or she
4 not served on active duty unless the benefits are prohibited or
5 limited by vendor contracts.

6 (c) Any individual receiving compensation pursuant to
7 subdivision (b) who does not reinstate to state service following
8 active duty, shall have that compensation treated as a loan payable
9 with interest at the rate earned on the Pooled Money Investment
10 Account. This subdivision ~~shall~~ *does* not apply to compensation
11 received pursuant to Section 19775.

12 (d) Benefits provided under paragraph (1) of subdivision (b)
13 shall only be provided to a state employee who was not eligible to
14 participate in a federally sponsored income protection program for
15 National Guard personnel or military reserve personnel, or both,
16 called into active duty, as determined by the Department of
17 Personnel Administration. For a state employee eligible to
18 participate in a federally sponsored income protection program,
19 and whose monthly salary as a state employee was higher than the
20 sum of his or her military pay and allowances and the maximum
21 allowable benefit under the federally sponsored income protection
22 program, the state employee shall receive the amount payable
23 under paragraph (1) of subdivision (b), but that amount shall be
24 reduced by the maximum allowable benefit under the federally
25 sponsored income protection program. For individuals who
26 elected the federally sponsored income protection program, the
27 state shall reimburse for the cost of the insurance premium for the
28 period of time on active duty, not to exceed 365 calendar days. *The*
29 *Governor may, by executive order, extend this period of time by no*
30 *more than an additional 365 calendar days.*

31 (e) For purposes of this section, “state employee” means an
32 employee as defined in Section 18526 or an officer or employee
33 of the legislative, executive, or judicial department of the state.

34 (f) This section ~~shall~~ *does* not apply to any state employee
35 entitled to additional compensation or benefits pursuant to Section
36 19775.16 or Section 19775.17 of this code, or Section 395.08 of
37 the Military and Veterans Code.

38 (g) This section ~~shall~~ *does* not apply to any active duty served
39 after the close of the War on Terrorism.

1 SEC. 2. Section 20890.2 is added to the Government Code, to
2 read:

3 20890.2. (a) Past miscellaneous service performed as an
4 employee of the Department of the California Highway Patrol
5 while a student at the department's training school established
6 pursuant to Section 2262 of the Vehicle Code shall be converted
7 to patrol member service if all of the following apply:

8 (1) The service was rendered by a current employee of the
9 Department of the California Highway Patrol.

10 (2) The service is credited to an employee who has patrol
11 member service credit for service performed with the Department
12 of the California Highway Patrol.

13 (3) The patrol member failed to file a written election to retain
14 the service as miscellaneous service within 90 days of notification
15 by the board.

16 (b) The Department of the California Highway Patrol shall
17 notify the board, in the manner established by the board, of any
18 employee who is eligible for conversion of service pursuant to this
19 section.

20 SEC. 3. Section 21362.3 is added to the Government Code, to
21 read:

22 21362.3. (a) Notwithstanding subdivision (h) of Section
23 21362.2, for the California Highway Patrol Commissioner, with
24 respect to service to all state employers under Section 21362.2, the
25 benefit may not exceed 100 percent of final compensation.

26 (b) This section shall become inoperative on January 1, 2008,
27 unless a later enacted statute deletes or extends that date.

